

**Chadds Ford Township Board of Supervisors Meeting
December 1, 2004
M I N U T E S**

OFFICIALS PRESENT: George M. Thorpe, Chairman
Deborah Love D'Elia, Vice Chairman
Garry Paul, Member
Hugh A. Donaghue, Township Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector, CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER – REGULAR MEETING

Mr. Thorpe called the regular meeting of the Board of Supervisors to order at 7:40 PM. A public meeting was held at 7:30 PM for the purpose of taking public comments on the incurrence of non-electoral debt by the Township pursuant to the issuance of a general obligation note through the Delaware Valley Regional Finance Authority. The \$600,000 note will be used as part of financing for Turner's Mill. The Pledge of Allegiance was recited and Mr. Thorpe pointed out emergency exits.

STATE POLICE REPORT

Trooper Donald Braxton, Pennsylvania State Police, Media Barracks, reported the following for the month of November: 3 burglaries (Smithbridge Road, the Ridings and Planet Honda) which was a 50% reduction from October, 2004; 5 DUI's, and 2 Disorderly Conducts. The Trooper had run a detailed query for incident reports in Chadds Ford, with the vast majority of those being 911 hang-ups, burglary false alarms or motorist assist calls. Trooper Braxton responded to a question from Roadmaster Joe Barakat regarding residential alarms. Keith Klaver, 4 Atwater Road, thanked the Trooper for prompt State Police responses to 911 calls.

APPROVAL OF MINUTES – November 8, 2004

Minutes of the November 8, 2004 meeting had been circulated for review. Mr. Thorpe and Mrs. Love D'Elia had made revisions.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF November 8, 2004

Upon motion and second (Paul, D'Elia), the Supervisors approved the minutes of November 8, 2004 Board of Supervisors' meeting, draft dated 12.1.04.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe reported that two or more Supervisors had been together for the following meetings:

- On 11/24 Mr. Thorpe and Mr. Paul, with Mrs. Love D'Elia on conference call, met to discuss personnel matters, and
- On 11/29 all three Supervisors met to discuss personnel matters

and legal issues.

The Chairman once again asked residents to remove all remaining political signs from areas within the Township.

In a follow up to last month's Board meeting, Mr. Thorpe investigated the certified mailings that had been sent and received by adjoining property owners regarding the recent Warner property subdivision. Certified mailings were sent by the applicant's engineer to the appropriate four adjoining property owners and copies of all return cards with signatures were provided to the Township. Further, the Chairman had reviewed the tax maps to ensure that no one had been omitted. It was determined that the mailings indeed were sent to all adjoining owners in compliance with Township ordinances.

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The Delaware County Library System is sponsoring a bookmark titled "Clean Water Begins With You" that contains information regarding the Clean Water Act. A sample was circulated throughout the audience. Mr. Thorpe stated that the bookmarks are available at local libraries and reminded residents to be mindful of what goes down the drain.

Mr. Thorpe announced that for some time the Board has discussed the formation of a Township Safety Committee. The Supervisors have decided to now move forward with the concept. The Committee will be comprised of a representative from the Board of Supervisors, the current Roadmaster, the Zoning Officer, the Township Constable, a former Roadmaster, the Emergency Management Coordinator and the Fire Marshall.

Board members asked the Township Solicitor to draft a proposed ordinance establishing the position of Township Fire Marshall, with the intent to adopt same at the organization meeting scheduled for Monday, January 3, 2005.

The Chairman reported that a hearing for Calvary Chapel's conditional use application had been continued from Tuesday, November 23rd at the request of the applicant's counsel. Land development plans are to be submitted to the Township by December 8th. The conditional use hearing will be rescheduled thereafter.

Supervisor Garry Paul announced that Sewer Authority Chairman Jim Murray had just celebrated his 80th birthday on November 30th. Mr. Murray received a robust round of applause.

Mr. Paul addressed the issue of the notification requirement to adjoining property owners in subdivisions and/or land development applications. He suggested expanding the notification area to property owners within a 500' radius of the proposed development. After

discussion, Mr. Paul asked the Township Solicitor to investigate how this might best be accomplished and report back at the next Board meeting.

Financing for the Turner's Mill project was discussed with Mr. Paul stating that Board members would be happy to answer any questions regarding the project. The Supervisor reported that the Board had chosen to go with two types of loans; one being a 20 year, long term fixed rate of approximately 3.7% through Commerce Bank with no prepayment penalty, the other being a short term loan through Delaware Valley Regional Finance Authority at roughly 2% that is more of a line of credit. Mr. Paul stated that the Supervisors thought it best to use the dual loan system in order to make borrowing options as flexible as possible.

Mr. Paul announced that the Stone Brook III subdivision application would not be heard tonight due to a number of outstanding issues that he enumerated. The Board announced that the matter was to be remanded to the Planning Commission for further review.

Mr. Thorpe stated that the Public Comment had been moved on the agenda to after Committee Reports. It was felt that the information provided in the reports sometimes answered questions asked during the Public Comment portion and repositioning the Public Comment portion would shorten the length of the Board meeting.

After a lengthy presentation had been made during the Public Comment segment of the November Board meeting, the Supervisors had discussed ways to insure keeping meetings to a reasonable length while still providing an appropriate venue for the concerns of residents. Mrs. Love D'Elia said that while the Supervisors are respectful of residents' rights to address the Board, the Supervisors would try to improve Board meetings by limiting public comment to twenty minutes, during

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which time residents will have three (3) minutes each to speak. If any resident would like to address the Board for a longer time, they may contact a supervisor who will review the proposal and may add it to the agenda under the New Business segment. Such a request must be made at least ten (10) days prior to the meeting, in keeping with Board policy. Anyone with minor comments who has not been reached during Public Comment is welcomed to stay and be heard after New Business. The State Police report will continue to come first.

Mr. Donaghue stated that the Hoffman subdivision application on Bullock Road had been removed from the agenda at the request of the applicant's engineer.

TREASURER'S REPORT

Mrs. Furlong reported the following figures as of November 30, 2004:

Total all deposits to General Fund:	\$ 89,872.37
Total disbursements General Fund:	\$ 121,575.88
Total disbursements Escrow Account:	\$ 41,879.48
Cash Accounts Balances	\$ 713,553.59

Mrs. Furlong added that a payment that had been approved at the November Board meeting for GEI Enterprises for the 2004 Road Program did not appear in the Disbursement Report for November, but is included in this month's report, thus slightly inflating the disbursement figure.

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Paul, D'Elia), the Supervisors unanimously voted to approve the Treasurer's Report for November, 2004, and authorized the payment of bills in the amount of \$121,575.88 as listed in the Journal Report.

The Chairman announced that the Board has asked Gail Force to assume the position of Planning Commission Secretary. Mrs. Force had previously served as Township Secretary for many years.

ROADMASTER'S REPORT

Joe Barakat, Township Roadmaster, presented the Roadmaster's report for the month of November. A copy follows these minutes.

Mr. Jensen asked if the pothole on Atwater Road had been addressed. Mr. Barakat replied that he will contact Bob Martin now that a number of items need to be addressed. The Roadmaster had attended a conference held by the Delaware County Transportation Management Association on November 30th. He will report further next month.

PLANNING COMMISSION

Mr. Taylor presented the Planning Commission report for the meeting that had been held on Wednesday, November 10, 2004. That meeting was continued to Tuesday, November 30th.

Mr. Reiter suggested that the Board be careful to note the measurements of trees on plans when subdivision/land development applications come up for consideration.

ZONING HEARING BOARD

Mr. Wandersee reported that no applications had been scheduled during November, 2004. A hearing is scheduled for Wednesday, December 15th for the DeGranzia property on Rocky Hill Road.

Mr. Jensen reviewed for the Supervisors the relief being sought in the application. After discussion, Board members decided to let the Zoning Hearing Board handle the matter and not to send the Township Solicitor to oppose.

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Mr. Jensen stated that there had been no meeting during the month of November.

SEWER AUTHORITY

Mr. Murray reviewed the Sewer Authority report for the month of November, 2004, a copy of which follows.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen gave the Building Inspector/Code Enforcement Officer's report for the month of November. A written report and accompanying checks had been submitted to the Board for review.

Mr. Jensen also reported on a number of citations that had been issued and other incidents such as recent helicopter landings. A notice was sent to Martin Smith regarding an inground basin that is not functioning properly and adversely affecting neighbors.

A pre-bid meeting had been held at Turner's Mill.

A meeting was held earlier today at the Megill construction site on Atwater Road with Keith Klaver, 4 Atwater Road, Scott Megill, Jim Fritsch, the developer's engineer, JP Kelly and Richard Jensen to view stormwater runoff from the Kay property. A resolution has been suggested. Mr. Jensen responded to a question from David Jones, Atwater Road, regarding the direction of runoff along the Megill driveway. Mr. Klaver commented that this situation shows the need for a master community review and that infrastructure is not there to support the building. Mr. Klaver further stated that he still has reservations and thinks that a re-engineering of the property needs to be done. Mr. Jensen replied that after remedial action is taken, the reduction should be great enough to alleviate the problem. Mr. Klaver's concerns were noted for the record.

Mr. Jesson, Atwater Road, agreed with Mr. Klaver's remarks.

Mr. Paul asked Mr. Jensen if there is a fall back position to address the concerns of Mr. Klaver. Mr. Jensen responded that the drainage channel for Atwater Road has been a problem for many years and some of the problems existed prior to the Megill Development. The Megill problem is being addressed.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report for the month of November. A copy of the report, dated December 1, 2004, follows the minutes. The Township Engineer recommended final payment for the 2004 Road Program and an escrow release for Antimo Enterprises.

MOTION TO APPROVE FINAL 2004 ROAD PROGRAM PAYMENT

Upon motion and second (D'Elia, Paul), the Board approved the final payment of \$10,055.40 to GEI Enterprises of King of Prussia for the 2004 Road Program at the recommendation of the Township Engineer.

MOTION TO APPROVE IMPROVEMENT SECURITY ESCROW RELEASE #2 – ENZO'S SOUTH

Upon motion and second (Paul, D'Elia), the Board approved the second improvement security escrow release in the amount of \$35,700 to Antimo Enterprises with a balance of \$27,900 to remain.

OPEN SPACE COMMITTEE

Chairman Debbie Reardon presented the Open Space report for the meeting held on November 11, 2004. A full copy of the report follows these minutes.

Mrs. Reardon asked the Board for guidance as to what the next step should be in the process. Mr. Paul replied that it will be necessary to have a referendum placed on the May ballot and suggested a timeline in which to accomplish the necessary steps. The Supervisor also read a proposed ordinance that had been prepared by the Township Solicitor. In response to a question from Mr. Murray, Ringfield,

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Mr. Donaghue replied that milage will be assessed on real estate within the Township to produce revenue for the fund.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe stated that no meetings had been held and that the Committee will meet on an as needed basis for Turner's Mill.

FINANCIAL ADVISORY BOARD

Mrs. Love D'Elia announced that work by the Financial Advisory Board had resulted in a suggested solution for the tax overpayment problem. Adoption of a proposed resolution will be addressed later in the meeting.

OPEN SPACE APPOINTMENT

Mrs. Reardon announced that David Poston of Rocky Hill Road had expressed an interest in serving on the Open Space Committee. Mr. Poston's credentials were reviewed.

MOTION TO APPOINT DAVID D. POSTON TO OPEN SPACE COMMITTEE

Upon motion and second (D'Elia, Paul), David Poston was appointed to fill a vacancy on the Open Space Committee with a term to run through December 31, 2005.

PUBLIC COMMENT

- Mr. Reiter suggested tightening the ordinances regarding stormwater and tree removal;
- Lana Sheer, Atwater Road, said that it behooved the Supervisors to adopt a steep slope ordinance at their earliest possible convenience and other ordinances as Mr. Kliman had suggested;
- Mr. Taylor stated that a three hour meeting had been held the previous

- night to discuss those very issues;
- Mrs. Taylor stated that she was the only resident in the audience at that meeting;
- Mr. Donaghue suggested that residents call the Township office to check on meeting dates in addition to checking the website and the list outside the Town Hall;
- Mrs. Reardon stated that residents need to educate themselves and to volunteer to help in the Township's efforts. A great amount of volunteer time is necessary to make the Township work;
- Joe Barakat voiced his opinion that negative comments regarding recent subdivisions are unjustified, especially when those residents don't normally attend Township meetings;
- Mrs. Love D'Elia commented on ordinances that had been proposed by Open Space when Mr. Kliman had been Chairman. A public outcry had taken place during the meetings from residents opposing adoption. The ordinances had not been enacted for that reason.

OLD BUSINESS

2005 BUDGET ADOPTION

A preliminary 2005 Township Budget had been presented at the November Board meeting and was available for public inspection thereafter both inside and outside Township Hall. Mr. Paul stated that there would be no real estate tax increase for 2005. Only a few minor changes had been made to the preliminary budget, with the bottom line having the Township in the black by \$1,082.07. There were no questions.

MOTION TO ADOPT 2005 BUDGET

Upon motion and second (D'Elia, Paul), the 2005 Budget, draft dated 11.24.04, was adopted.

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NEW BUSINESS

Mr. Murray announced that on Tuesday, December 21, 2004, 6:00 PM, a Sewer Authority meeting will be held at the Township Hall for the purpose of discussing the Ravens Crest sewer extension. Anyone interested is welcomed to attend.

TAX LEVY RESOLUTION

Mr. Thorpe reviewed the Township milage amounts as follows:

- .20 mils for Chadds Ford Township general fund
- .075 mils for fire protection

- .012 mils for the Rachel Kohl Community Library;
 - .07 mils for the Capital Improvement Fund.
- .357 mils Total

There is also a transfer tax on the sale of property in the amount of one-half of one percent.

MOTION TO APPROVE RESOLUTION 2004-30 2005 TAX LEVY

Upon motion and second (D'Elia, Paul), the Board approved Resolution 2004-30, establishing Township milage amounts for 2005.

AUTHORIZATION TO ADVERTISE THE APPOINTMENT OF AN AUDITOR

In response to a request by Mr. Donaghue, the Board authorized the Township Secretary to advertise the appointment of MervesAmon&Barsz to replace the elected auditors for the purpose of conducting the 2004 Township audit. The appointment will be made at the Board's organization meeting in January.

ORDINANCE 105 – DELAWARE VALLEY REGIONAL FINANCE AUTHORITY GENERAL OBLIGATION NOTE

Mr. Donaghue reported that documents had been received from DVRFA regarding the adoption of an ordinance to authorize the issuance of a general obligation note in the amount of \$600,000 as partial financing for the Turner's Mill project. A public meeting to take comment from residents had been held prior to the Board meeting. There had been no objections.

MOTION TO APPROVE ORDINANCE 105 - DELAWARE VALLEY REGIONAL FINANCE AUTHORITY GENERAL OBLIGATION NOTE

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved Ordinance 105, authorizing the issuance of a general obligation note in the amount of \$600,000 through the Delaware Valley Regional Finance Authority.

MASSAGE PERMIT APPLICATION

Massage therapist Colleen McLaughlin had made application for a permit to work as a masseuse at a new salon in Keystone Plaza on Wilmington West Chester Pike. Ms. McLaughlin and the owner of the salon were both present at the meeting. Mr. Jensen had reviewed the application. There were no comments or questions from residents. Mrs. Love D'Elia recused herself from voting.

MOTION TO APPROVE MASSAGE PERMIT

Upon motion and second (Paul, Thorpe), Mr. Thorpe and Mr. Paul approved the issuance of a massage permit for Colleen McLaughlin to work at Casabella Salon, Keystone Plaza.

NEW PRECINCT STATUS REPORT

Mr. Donaghue updated the Supervisors regarding their request that he investigate the possibility of creating a new polling district in the Township. At the present time, there is only one district, which

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sometimes leads to a long wait for voters. According to the election code, there should be no more than 2,500 voters designated to one polling place. The Solicitor will prepare a map setting forth the proposed division for further review. Mr. Reiter suggested using Turner's Mill for voting in the future.

ACT 537 AMENDMENT – ROUTE ONE CORRIDOR and CHADDS FORD VILLAGE

Mr. Thorpe explained that any amendments to the Township's Act 537 Plan must be accomplished via a resolution which is then forwarded with the plan to the Department of Environmental Protection for approval. The Township was proposing an amendment to allow the enlargement and extension of a sanitary sewer system into the area known as the Route 1 Corridor and Chadds Ford Village.

MOTION TO APPROVE RESOLUTION 2004-26 ACT 537 AMENDMENT – ROUTE ONE CORRIDOR and CHADDS FORD VILLAGE

Upon motion and second (D'Elia, Paul), the Board of Supervisors adopted and will submit to DEP the "Official Sewage Facilities Plan" of Chadds Ford Township proposing the extension and enlargement of a sanitary sewer system into the area of the Township designated as the Route 1 Corridor and Chadds Ford Village.

REAL ESTATE TAX OVERPAYMENT REFUNDS

At the suggestion of the Financial Advisory Board, the Supervisors thought it appropriate to establish procedures to refund property owners who overpay Township real estate taxes by more than \$25.00.

MOTION TO APPROVE RESOLUTION 2004-27 REAL ESTATE TAX OVERPAYMENT REFUNDS

Upon motion and second (D'Elia, Paul), the Board approved Resolution 2004-27, establishing procedures for refunds of real estate tax overpayments in excess of \$25.00

UNIFORM CONSTRUCTION CODE APPEAL FEE SCHEDULE and BOARD OF APPEALS

Mr. Jensen reported that the Uniform Construction Code requires the creation of a Board of Appeals and an appeal fee schedule. Mrs. Love D'Elia previously had asked for volunteers to serve on the Board of Appeals, suggesting that different areas of expertise would make the best Board. Garry Sharp, an architect and member of HARB; Joseph Vaites, an architect and Zoning Hearing Board member, and Garry Paul, Supervisor and businessman had voiced interest in serving.

MOTION TO APPROVE RESOLUTION 2004-28 ESTABLISHING THE FEE SCHEDULE FOR APPEALS TO THE BUILDING CODE BOARD OF APPEALS

Upon motion and second (D'Elia, Thorpe), Mrs. Love D'Elia and Mr. Thorpe established a fee schedule and Board of Appeals as set forth therein.

FINAL LAND DEVELOPMENT PRESENTATION – WAWA, Inc. at DILWORTHTOWN ROAD and ROUTE 202

Joseph Brion, Esquire, applicant's counsel, was presented the proposal for land development at Dilworthtown Road and Route 202. The plan had been presented and approved several years ago, but had been delayed due to sewage system requirements of Chadds Ford Township. A viable solution had been reached involving Chadds Ford, Thornbury and Concord Townships. Wawa had presented the plan again just last month before the Township's Planning Commission to update Township officials.

There was discussion as to the following:

- Mr. Jensen questioned signage. Mr. Brion replied that all signs will comply with the Township's sign ordinance, or Zoning Hearing Board determination;
- Mr. Jensen asked where trash would be kept. Mr. Brion indicated that all trash will be kept in two rooms within the store, with no exterior dumpsters or trash storage areas. Mr.

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Thorpe questioned what would happen if there was no room left inside the store. A

Wawa representative answered that the trash hauler would be called to pick up.

- Mr. Thorpe asked if there were any stormwater issues. Mr. Jensen answered that the plan still needs to be reviewed by Delaware County Conservation District. Mr. Kelly added that his office is in the process of determining percolation levels.
- Board members discussed issues in the November 10, 2004 Kelly review letter.
- Mr. Jensen, Mr. Kelly and Mr. Donaghue were all satisfied that the application was ready for approval, which will allow the stormwater issue to be addressed by Delaware County Conservation District.
- In response to a question by resident Susan Darrell, Brinton's Bridge Road, Mr. Brion stated that six (6) gasoline pumps with twelve (12) fueling positions will be installed.

MOTION TO APPROVE RESOLUTION 2004-29 WAWA LAND DEVELOPMENT DILWORTHTOWN ROAD and ROUTE 202

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved Resolution 2004-29, granting approval to the final land development plan of Wawa, Inc. dated October 30, 2000 and last revised September 29, 2004, subject to satisfaction of conditions 1. through 11. of said resolution and subject to strict compliance with the variances granted by the Chadds Ford Zoning Hearing Board by Order dated July 24, 2001.

ESCROW RELEASES

The Township Secretary had prepared checks for the release of escrow funds after reviewing records with the Township Building Inspector as follows:

Applicant Released	Type of Escrow	Amount to be
James and Jill Egan	Grading Escrow	\$ 800.00
Paul F. Koch	Grading Escrow	\$ 800.00

Checks #2142 through #2150 in the Escrow Disbursement report were to replace voided checks for releases that had been approved in November because outstanding bills had been discovered. Those checks had been voided, the outstanding costs had been deducted from the escrows and new checks were issued.

MOTION TO APPROVE ESCROW RELEASES

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the release of escrows as listed above, subject to payment of all outstanding bills.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:10 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary